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BEFORE THE ARIZONA CORPORATION COMMISSION

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**COMMISSIONERS**

KRISTIN K. MAYES, CHAIRMAN  
GARY PIERCE  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BOB STUMP

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AZ CORP COMMISSION  
DOCKET CONTROL

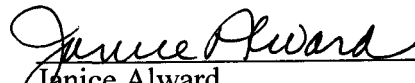
**IN THE MATTER OF TRICO ELECTRIC  
COOPERATIVE, INC.'S APPLICATION  
FOR APPROVAL OF A NET METERING  
TARIFF.**

**Docket No. E-01461A-09-0450**

**NOTICE OF FILING PROPOSED  
ORDER**

The Legal Division hereby files a proposed order for the convenience of the Commission if it considers Trico Electric Cooperative, Inc.'s request to reopen Decision No. 71462 pursuant to A.R.S. § 40-252.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of April, 2010.

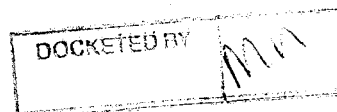
  
Janice Alward  
Chief Counsel  
Arizona Corporation Commission  
Legal Division  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

**Original and thirteen (13)  
copies of the foregoing filed this  
21<sup>st</sup> day of April, 2010 with:**

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Arizona Corporation Commission  
**DOCKETED**

**APR 21 2010**



1 Copies of the foregoing  
2 mailed this 21<sup>st</sup> day of  
3 April, 2010 to:

4 Michael W. Patten  
5 ROSHKA DEWULF & PATTEN, PLC  
6 One Arizona Center  
7 400 East Van Buren Street, Suite 800  
8 Phoenix, Arizona 85004

9 James Arkoosh  
10 65227 East Emerald Ridge Drive  
11 Tucson, Arizona 85739

12 Vincent Nitido  
13 8600 West Tangerine Road  
14 Marana, Arizona 85658

15 John Wallace  
16 120 North 44th Street - 100  
17 Phoenix, Arizona 85034

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By Roseann Osorio

1                                   **BEFORE THE ARIZONA CORPORATION COMMISSION**

2   **COMMISSIONERS**

3   KRISTIN K. MAYES, CHAIRMAN  
4   GARY PIERCE  
5   SANDRA D. KENNEDY  
6   PAUL NEWMAN  
7   BOB STUMP

8   **IN THE MATTER OF TRICO ELECTRIC  
9   COOPERATIVE, INC'S APPLICATION  
10   FOR APPROVAL OF A NET METERING  
11   TARIFF.**

**Docket No. E-01461A-09-0450**

**DECISION NO. \_\_\_\_\_**

**ORDER**

12   Open Meeting  
13   \_\_\_\_\_, 2010  
14   Phoenix, Arizona

15   **BY THE COMMISSION:**

16           Commission Decision No. 71462, entered on January 26, 2010, approved a net metering tariff  
17   for Trico Electric Cooperative, Inc. ("Trico"). The tariff applies to customers with on-site generation  
18   using resources allowed by the Commission's Net Metering Rules, and works in conjunction with the  
19   rate schedule under which the customer takes electric service from Trico.

20           Intervenor James Arkoosh filed an application for rehearing of Decision No. 71462 on the  
21   narrow issue of the alleged failure of the Commission to apply the provisions of Net Metering  
22   R14-2-2305 in connection with its approval of a \$3.38 monthly administrative charge. Mr. Arkoosh's  
23   application for rehearing was denied by operation of law, and he subsequently filed an appeal with the  
24   Arizona Court of Appeals, Division II.

25           On April 8, 2010, Trico filed a request to reopen Decision No. 71462 pursuant to A.R.S. § 40-  
26   252 for further Commission consideration and to provide notice and opportunity for the parties to be  
27   heard on the narrow issue raised by Mr. Arkoosh, and to supplement the record with information  
28   Trico provided to Staff and Mr. Arkoosh, but not docketed.

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**ORDER**

The Commission having considered Trico's request to reopen Decision No. 71462 pursuant to A.R.S. § 40-252 for purposes of further Commission consideration of the issue raised by Intervenor James Arkoosh's application for rehearing and for supplementation of the record, the Commission finds, concludes and orders as follows.

**IT IS ORDERED:** Decision No. 71462 is reopened for further consideration under A.R.S. § 40-252 concerning the issue raised by Mr. Arkoosh's application for rehearing, and the Commission directs the Hearing Division to hold a procedural conference to conduct further proceedings in this matter and issue a Recommended Opinion and Order thereon. The Commission grants Trico's request to supplement the record with the information Trico provided to Mr. Arkoosh and Staff, and is attached to Trico's A.R.S. § 40-252 request.

**IT IS FURTHER ORDERED:** The Commission's Legal Division shall seek a stay of the Court of Appeals Division II proceedings related to Mr. Arkoosh's appeal pending the Commission's final determination on the reopening of Decision No. 71426 pursuant to A.R.S. § 40-252.

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**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
Executive Director of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capital, in the City of  
Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_